



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

July 24, 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7001 0360 0003 6675 0820

Mr. Howard Grubbs, Esquire
Womble Carlyle Sandridge & Rice PLLC
550 S. Main St., Suite 400
Greenville, SC 29601

Re: Termination of Administrative Order on Consent pursuant to Section 3013
of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6934
Furniture Brands International (Predecessor - International Shoe)
EPA ID No. TXD008071227; Docket No. RCRA 06-2009-0950


Dear Mr. Grubbs:

On November 23, 2009, Furniture Brands International entered into an Administrative Order on Consent (Order) with the Environmental Protection Agency (EPA) concerning the former International Shoe Bryan Rubber Plant (Facility) in Bryan, Texas. The Order, issued under Section 3013 of RCRA, required Furniture Brands International to perform testing, analysis, monitoring, and reporting to determine the presence, magnitude, extent, direction, and rate of movement of any hazardous waste and/or hazardous constituents within and migrating beyond the Facility boundary.

Based on the Administrative Record for the Facility, the EPA has determined that Furniture Brands International has fully satisfied the provisions and has satisfactorily completed the terms of the Order. A table showing the Order compliance schedule and the dates when the required tasks were completed is enclosed. Pursuant to Section XXIV (Termination and Satisfaction) of the AOC, this AOC is hereby terminated.

If you have any questions, please feel free to call Frances Verhalen of my staff at (214) 665-2172.

Sincerely,


John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

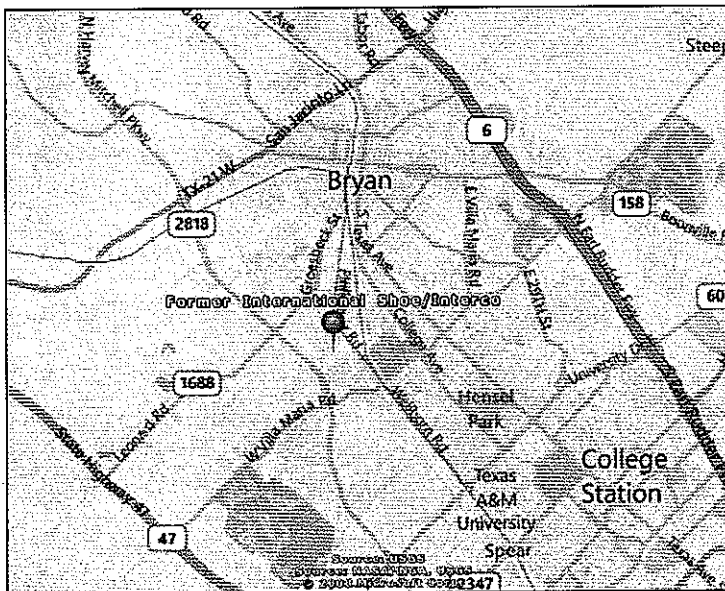
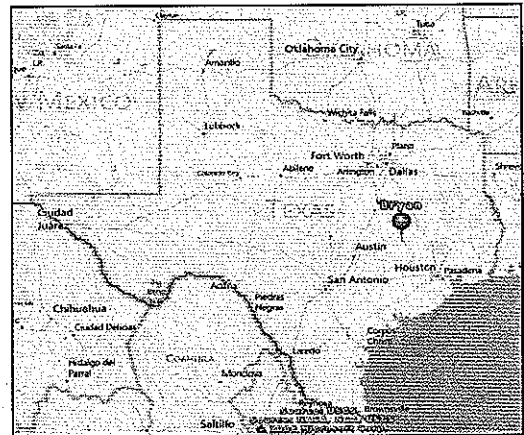


FINAL DECISION AND RESPONSE TO COMMENTS RCRA CORRECTIVE ACTION

INTERNATIONAL SHOE/INTERCO
1103 TURKEY CREEK ROAD, BRYAN, TEXAS
TXD008071227

THE PURPOSE OF THE FINAL DECISION AND RESPONSE TO COMMENTS IS TO:

- Describe the selected remedy;
- Explain the EPA's rationale for the remedy selected; and
- Identify and respond to any comments received during the public comment period.



INTRODUCTION

This Final Decision and Response to Comments is being presented by the U.S. Environmental Protection Agency (EPA) for the former International Shoe facility ("Facility") which is located in Bryan, Texas. The purpose of the Final Decision is to describe the selected remedy at this site, present concerns and issues raised during the public comment period, and to provide responses and rationale for any comments received. This document consists of the Final Decision, an updated index to the Administrative Record, and the previously issued Statement of Basis.

The final remedy that was selected for this site is "No Further Action" pursuant to Consent Decree – Civil Action No. H-86-2629 (Section 3008(h) Order) under the Resource Conservation and Recovery Act (RCRA). The EPA is issuing this Final Decision as part of EPA policy for public participation under RCRA 3008(h) Orders. The EPA selected the remedy based on the Administrative Record (AR) and any public comments received. The Statement of Basis provided the proposed final remedy and was available for public review and comment from February 1, 2012 to March 31, 2012.

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SITE DESCRIPTION AND STATUTORY DETERMINATION

The Facility is located at 1103 Turkey Creek Road in Bryan, Brazos County, Texas. Interco, Inc. ("Interco"), through its International Shoe Division, owned and operated the Facility as a rubber plant from 1954 through May 16, 1986 when the plant was closed. The Facility manufactured synthetic rubber for use in soles of shoes. (AR Document 9)

A total of ten (10) Solid Waste Management Units (SWMUs) and one (1) Area of Concern (AOC) has been identified at the Facility. (AR Document 15)

SWMU 1 – Trench Area – RCRA Hazardous Waste Unit
SWMU 2 – Drum Storage Area
SWMU 3 – Uncontained Horizontal/Vertical Tank Area
SWMU 4 – Bare Ground Area
SWMU 5 – Ground Scar Area
SWMU 6 – Pond and Drainage Pathway
SWMU 7 – Spent Solvent Distillation Unit Area
SWMU 8 – Underground Storage Tanks Area
SWMU 9 – Horizontal Tanks Area
SWMU 10 – Vertical Tank Area
AOC A – Soil Stockpile Areas 1- 4

In August 1980, Interco filed a Notification of Hazardous Waste Activity with the EPA in which it notified the EPA that it was potentially involved in hazardous waste activities. In November 1980, Interco filed with the EPA a Hazardous Waste Permit Application. Interco's Hazardous Waste Permit Application identified the following hazardous wastes were disposed of in a landfill (Trench Area) at the Facility: D001-ignitable wastes, U239-xylene, U159-methyl ethyl ketone, U161-methyl isobutyl ketone, and U220-toluene. (AR Documents 1 and 2)

In December 1981, the TDWR¹ notified Interco that as an owner or operator of a surface impoundment, landfill, or land treatment facility which is used to manage hazardous waste, Interco must implement a groundwater monitoring program. Beginning in 1982, Interco initiated various investigations to address the concerns of the TDWR. A geologic report prepared in June 1982 attempted to establish a low potential for migration in the subsurface in the Trench Area, SWMU 1, in order for the Facility to be exempted from the RCRA groundwater monitoring requirements. On September 23, 1983, TDWR denied exemption from RCRA groundwater monitoring requirements based on information provided in the geologic report. (AR Documents 9 and 15)

In May 1984, Interco submitted a closure plan for the Trench Area to the TDWR. In December 1984, TDWR granted approval of the closure plan with modifications. In June 1986, the TWC¹ notified Interco that approval of the closure plan had been withdrawn because Interco failed to complete the closure activities within the allotted time for closure. (AR Document 9)

¹ In 1977, the Texas Legislature created the Texas Department of Water Resources (TDWR) by combining the three existing water agencies: Texas Water Quality Board (TWQB), Texas Water Development Board (TWDB), and Texas Water Rights Commission. In 1985, the Texas Legislature dissolved the TDWR and transferred regulatory enforcement to the recreated Texas Water Commission (TWC). In 1993, the Texas Natural Resources Conservation Commission (TNRCC) replaced the TWC and Texas Air Control Board bringing together the regulatory programs for air, water, and waste. In 2002, the TNRCC was renamed the Texas Commission on Environmental Quality (TCEQ).

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On July 7, 1986, a Civil Action was filed against Interco by the EPA pursuant to Section 3008 (a), (g), and (h) of RCRA for various violations of RCRA and the Texas Solid Waste Disposal Act. An answer to the Civil Action was filed by Interco on August 25, 1986. (AR Document 15)

In September 1987, Interco's consultant performed a soil vapor survey and installed five groundwater monitoring wells (MW-1 through MW-5) in the vicinity of the Trench Area, SWMU 1, and sampled groundwater from the monitoring wells. In February 1988, the EPA installed six monitoring wells (EPA-1 through EPA-6) and five piezometers (P-1 through P-5) in the Trench Area. (AR Document 15)

In March 1990, Interco's consultant conducted a soil vapor survey at the Facility which focused on sixteen previously identified suspected areas at the Facility, not including the Trench Area. Detectable concentrations of organic vapors were identified in eight of the sixteen areas surveyed. The area with the highest organic vapor readings was at the Drum Storage Area, SWMU 2. Two of the areas had visible surface staining along with hydrocarbon odors in the soils. These areas were associated with the Drum Storage Area, SWMU 2, and Uncontained Horizontal/Vertical Tank Area, SWMU 3. (AR Document 5)

In May 1990, the EPA issued Interco a Consent Decree, RCRA 3008(h) Order (effective date July 1, 1990). The Order required submittal of a closure plan for the surface impoundments in the Trench Area, SWMU 1. Upon TWC approval and/or modification of the closure plan, Interco was required to implement the closure plan as approved and/or modified. The Order also required Interco to implement the Corrective Action Plan included as Appendix A in the Order. The Corrective Action Plan required completion of a RCRA Facility Investigation (RFI) to determine the nature and extent of releases of hazardous waste or constituents from the solid waste management units and other source areas at the Facility and to gather all necessary data to support a Corrective Measures Study (CMS). Upon completion of the RFI, Interco was required to develop corrective measure alternatives for the EPA review and selection of the final remedy(ies). The Corrective Action Plan identified the following specific areas as required to be addressed under the terms of the Consent Decree: Drum Storage Area (SWMU 2), Uncontained Horizontal/Vertical Tank Area (SWMU 3), Ground Scar Area (SWMU 5), Pond and Drainage Pathway (SWMU 6), and area located southwest of the oil well location (Bare Ground Area – SWMU 4). (AR Document 4)

In August 1990, Interco submitted a closure plan for the Trench Area to the TWC which outlined their plan for clean closure of the Trench Area (SWMU 1). (AR Document 15)

In April and May 1991, Interco's consultant performed a Phase I RFI at the Facility in accordance with the EPA-approved Phase I RFI Work Plan. The RFI included investigation of soils at the Drum Storage Area (SWMU 2), Uncontained Horizontal/Vertical Tank Area (SWMU 3), Bare Ground Area (SWMU 4), Ground Scar Area (SWMU 5), and Pond and Drainage Pathway Area (SWMU 6). The Phase I RFI identified affected soils in the Drum Storage Area and Uncontained Vertical/Horizontal Tank Area and recommended removal of affected soils. The presence and extent of any impacts to groundwater was not investigated as part of the Phase I RFI; groundwater was to be investigated as part of the Phase II RFI if a statistically significant release was detected at the base of a soil boring and groundwater was threatened. The Phase I RFI reported that based on the results of the Phase I RFI, the only area which would require a Phase II assessment of groundwater was the Uncontained Vertical/Horizontal Tank Area. (AR Document 7)

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In 1992, Interco performed a Phase II RFI at the Facility which included interim measures consisting of the removal of affected soils at the Drum Storage Area (SWMU 2) and the Uncontained Vertical/Horizontal Tank Area (SWMU 3) and confirmatory soil sampling. The excavated soils were stockpiled at the Facility in AOC A until the EPA approved the off-site disposal of these soils. The investigation also included the installation of a groundwater monitoring well (MW-UTA-1) downgradient of the Uncontained Vertical/Horizontal Tank Area and sampling of groundwater from the monitoring well. (AR Document 9)

In 1992, Interco clean closed the Trench Area, SWMU 1, according to the closure plan dated August 28, 1990 and an addendum to the closure plan dated May 27, 1992. The clean closure was accomplished by excavating

approximately 4,000 cubic yards of contaminated soil and collecting confirmatory samples of the walls and floor of the excavation. (AR Document 10)

In March 1993, Interco submitted a Trench Area Closure Report and Draft Phase II RFI Report and Closure Certification. In a letter dated June 22, 1993, the TWC accepted the closure certification for the Trench Area (SWMU 1). (AR Documents 9 and 10)

In a letter dated February 18, 1994, the EPA approved Interco's request to remove the stockpiled soils from AOC A. The letter also stated that the EPA was preparing the Statement of Basis recommending the selected remedy and closure of the Consent Decree. The Statement of Basis was drafted but never finalized. (AR Document 12)

In March 2002 and July 2003, EPA contractors performed Screening Level Risk Evaluations (SLRE) of the Facility. The SLRE Reports recommended sampling at SWMUs 7 through 10 to determine a more accurate assessment of risk and hazard. (AR Documents 15 and 17)

In response to the SLRE results, in June 2004, EPA contractors installed soil borings in the vicinity of SWMUs 1, 7, 8, 9, and 10 and collected surface and subsurface soil samples from the soil borings. The soil borings were converted to temporary monitor wells and groundwater samples were collected from the wells. The temporary monitor wells installed did not contain a filter pack. The soil and groundwater samples were analyzed for total RCRA metals (arsenic, barium, cadmium, chromium, lead, selenium, silver, and mercury), volatile organic compounds (VOCs), and semivolatile organic compounds (SVOCs). (AR Document 19)

The groundwater sample results from the temporary monitor wells indicated detections of arsenic, cadmium, chromium, lead, mercury, and bis (2-ethylhexyl) phthalate exceeding National Primary Drinking Water Regulation standards. The exceedances of the National Primary Drinking Water Regulation standards resulted in the EPA and Furniture Brands International (successor to International Shoe) agreeing to perform an investigation pursuant to Section 3013(a) of RCRA. In November 2009, Furniture Brands International and the EPA entered into an Administrative Order on Consent (Consent Order). The Consent Order required Furniture Brands International to install permanent groundwater monitoring wells and sample groundwater and soil to determine the presence of any hazardous waste and/or constituents within or migrating beyond the Facility boundary. (AR Document 20)

Pursuant to the Consent Order, in July – August 2010, Furniture Brands International installed nine permanent groundwater monitoring wells at the Facility, sampled groundwater, and collected soil samples from the soil borings. Monitor wells were installed in up-gradient and down-gradient locations relative to SWMUs 1, 7, 8, 9, and 10 and general Facility operations. The soil and groundwater samples were analyzed for total RCRA metals

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(arsenic, barium, cadmium, chromium, lead, selenium, silver, and mercury), VOCs, and SVOCs. Groundwater samples were additionally analyzed for total dissolved solids (TDS). The soil and groundwater analytical results were compared to the TCEQ¹ Texas Risk Reduction Program (TRRP) human health risk-based screening levels for residential groundwater and soil. The analytical results indicated that all concentrations detected in soil and groundwater were below the TRRP residential, human health risk-based screening levels. (AR Document 21)

SELECTED REMEDY

Investigation of the SWMUs and AOC at the Facility was performed under two EPA Orders: Consent Decree – Civil Action No. H-86-2629 (§3008(h) Order) and Administrative Order on Consent – U.S. EPA Docket No. RCRA-06-2009-0950 (§3013(a) Order). The RCRA-regulated unit, SWMU 1 Trench Area, was clean closed in 1992. In 1993, the TWC accepted the closure certification for the Trench Area. During the Phase II RFI, interim measures in the form of excavation and disposal were performed at SWMU 2 Drum Storage Area, SWMU 3 Uncontained Horizontal/Vertical Tank Area, and AOC A Soil Stockpile Areas. Post-excavation confirmation samples were collected to document cleanup.

Because the metals and VOCs concentrations in groundwater samples and the metals, VOCs, and SVOCs concentrations in soil samples collected at the Facility in 2010 are less than the applicable TCEQ TRRP residential, human health risk-based screening levels, the EPA has determined that no further remedial work is necessary at the Facility. As a result, the selected final remedy is No Further Action.

REMEDY COMPLETED

The selected final remedy of No Further Action means that the EPA has determined that no further remedial actions are required at the Facility to address residual chemical constituents and that the Facility no longer poses a risk to human health or the environment. No Further Action for this Facility also means that the EPA has made the determination of Corrective Action Complete without Controls. The proposed remedy of No Further Action was chosen based on the multiple investigations and interim measures that have been performed at the Facility over the past nineteen years.

SUMMARY OF SITE RISKS

The exposure pathways that were investigated under the Consent Decree and Consent Order are described below.

Groundwater Pathway – Pursuant to the Consent Order, nine groundwater monitoring wells were installed at the Facility in July and August 2010. The monitoring wells were installed in up-gradient and down-gradient locations relative to SWMU locations as to provide information on potential groundwater impacts. The monitoring wells were surveyed and depth to groundwater measurements were collected to determine the groundwater elevations and groundwater flow direction. Groundwater from these monitoring wells, an existing monitoring well, and an existing piezometer was sampled in August 2010. Groundwater samples were analyzed for total RCRA metals (arsenic, barium, cadmium, chromium, lead, selenium, and mercury), VOCs, SVOCs, and TDS. The groundwater analytical results were compared to TCEQ TRRP residential, human health risk-based screening levels. The analytical results revealed detections of arsenic, barium, cadmium, chromium, lead, selenium, mercury, and aniline, but none of the detected concentrations exceed current TCEQ TRRP residential, human health risk-based screening levels.

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Soil Pathway – Soil samples have been collected at the Facility during investigation and closure of the Trench Area (SWMU 1), during the Phase I RFI and Phase II RFI of SWMUs 2, 3, 4, 5, and 6 performed under the 1990 Consent Decree, during an EPA investigation in June 2004 of SWMUs 1, 7, 8, 9, and 10, and during the investigation of SWMUs 7, 8, 9, and 10 performed under the 2009 Consent Order. Based on the soil samples and post excavation confirmation soil samples that have been collected at the SWMUs, metals, VOCs, and SVOCs have been detected in soils at the Facility. Maximum detected concentrations in soil samples collected at each SWMU were compared to current TCEQ TRRP residential, human health risk-based screening levels. For SWMUs 1, 2, and 3 that had soil removed, only post excavation confirmation soil samples and soil samples collected after soil removal were considered. None of the detected concentrations of metals, VOCs, or SVOCs exceed the current TCEQ TRRP residential, human health risk-based screening levels.

Surface Water Pathway – Surface water runoff from the Facility drains into the pond on the southwest edge of the property. Pursuant to the Consent Decree, the Pond and Drainage Pathway (SWMU 6) was investigated. Sediment and surface water samples were collected from the pond. Samples were analyzed for total metals, VOCs, and SVOCs. Arsenic, lead, acetone, and 2-butanone (MEK) were detected in the pond sediment samples; although, the concentrations do not exceed current TCEQ TRRP residential, human health risk-based screening levels. The surface water samples did not contain detectable concentrations of the analytes.

PUBLIC PARTICIPATION


The public comment period was held from February 1, 2012 to March 31, 2012. No comments were received regarding the proposal for a “no further action” remedy.

FUTURE ACTIONS

None

DECLARATION

Based on the interim measures and investigations performed at the Facility, and on the Administrative Record compiled for the corrective actions performed, the actions completed are appropriate and protective of human health and the environment.



John Blevins, Director
Compliance Assurance and Enforcement Division
U.S. Environmental Protection Agency – Region 6
Dallas, Texas

JUL 24 2012

Date

Compliance Schedule

Order Paragraph	Task Required	Time Required ²	Deadline for Task	Task Completion Date	Date of EPA Approval	Date of EPA Comments
35	Prepare and submit Draft Sampling Analysis Work-plan for EPA review and comment	Within 90 days after effective date of Order	2/21/2010	2/17/2010	Not approved	3/15/2010
36	Finalize and submit Final Work-plan which incorporates EPA's comments	Within 30 days of receiving EPA's comments	4/14/2010	4/14/2010	Not approved	5/3/2010
"	Resubmittal of Final Work-plan	Within 30 days of receiving EPA's comments	6/2/2010	5/18/2010	5/24/2010	No comments - work-plan approved
37	Implement the approved Work-plan	Within 30 days of EPA's approval of Final Work-plan	6/23/2010	Began procuring subcontractors during work-plan finalization	Not required	Not required
38	Prepare and submit Draft Investigative Report for EPA review and comment	Within 90 days of completion of the field activities in the Work-plan	11/16/2010	11/15/2010	Not approved	12/17/2010
39	Finalize and submit Final Investigative Report which incorporates EPA's comments	Within 45 days of receiving EPA's comments	Extension to 2/10/2011 approved	2/10/2011	4/8/2011	No comments - report approved
43	Prepare and submit Quarterly Progress Reports	First report due the first day of the third full month following effective date of Order	2/1/2010	1/29/2010	Not required	Not required
"	"	Subsequent reports due every 3 months thereafter on the first day of the month	5/1/2010	5/12/2010	Not required	Not required
"	"	"	8/1/2010	7/30/2010	Not required	Not required
"	"	"	11/1/2010	10/29/2010	Not required	Not required
"	"	"	2/1/2011	2/1/2011	Not required	Not required
"	"	"	5/1/2011	5/2/2011	Not required	Not required
"	"	"	8/1/2011	8/1/2011	Not required	Not required
"	"	"	11/1/2011	10/31/2011	Not required	Not required
"	"	"	2/1/2012	1/31/2012	Not required	Not required
49	Provide EPA laboratory contact information	Within 30 days of choosing a laboratory	7/30/2010	7/15/2010	Not required	Not required
58	Notify EPA of engaging in any field activities	At least 7 calendar days in advance	7/15/2010	7/14/2010	Not required	Not required
59	Obtain access agreement from current owner of the site which allows access to Respondent and EPA (provide EPA's project manager a copy of access agreement)	Within 30 days of effective date of Order	12/23/2009	8/13/2009 and 7/28/2009	Not required	Not required

¹ The effective date of the Consent Order is the date on which the Respondent received a true and correct copy of the fully executed Consent Order (paragraph 101).

² Time is based on calendar days.